

APPENDIX A

Delegation of Authority Letter

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

July 25, 2014

Seth Hassett, Director
U.S. Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
5th Floor West
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Dear Director Hassett,

I delegate authority to Thomas O. Forslund, Director of the Wyoming Department of Health, to execute funding agreements and certification, provide assurances of compliance to the Secretary, and to perform similar acts relevant to the administration of the Community Services Block Grant Program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew H. Mead".

Matthew H. Mead
Governor

MHM:mdm

cc: Thomas O. Forslund, Director, Wyoming Department of Health

APPENDIX B

State Assurances and Certifications



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Thomas O. Forslund, Director

Governor Matthew H. Mead

July 28, 2014

Ref: F-2014-418

Seth Hassett, Director
U.S. Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
5th Floor West
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Dear Mr. Hassett:

It is the intent of the State of Wyoming to receive and administer Community Services Block Grant (CSBG) funds for Federal Fiscal Year (FFY) 2015, as set forth under the provisions of the CSBG Act, Title VI, Subtitle B of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35); Human Services Amendments of 1994, P.O. 103-252; the FFY 1996 CSBG Appropriation Legislation (P.L. 104-134); C.F.R. Title 45, Part 96; Coats Human Services Reauthorization Act of 1998 (P.L. 105-285), and the U.S. Department of Health and Human Services Block Grant Regulations.

As part of the annual application and plan required by Section 676 of the CSBG Act, as amended (42 U.S.C. 9901 et. seq.) (The Act), as Director of the Wyoming Department of Health, I certify that the State of Wyoming agrees to the Assurances in Section 676 of the Act, which read as follows:

Programmatic Assurances

(1) Funds made available through this grant or allotment will be used:

- (a) To support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families to enable the families and individuals to:
 - (i) remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act);
 - (ii) secure and retain meaningful employment;
 - (iii) attain an adequate education, with particular attention toward improving literacy

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skills of low-income families in the communities involved, which may include carrying out family literacy initiatives;

(iv) make better use of available income;

(v) obtain and maintain adequate housing and a suitable living environment;

(vi) obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and

(vii) achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

(b) To address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and after-school child care programs; and

(c) To make more effective use of, and to coordinate with, other programs (including State welfare reform efforts).

(2) To describe how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in Section 675C(b) of the Act in accordance with the community services block grant program, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of the community services block grant program;

(3) To provide information provided by eligible entities in the State, including:

(a) a description of the service delivery system, for services provided or coordinated with funds made available through grants made under Section 675C(a) of the Act, targeted to low-income individuals and families in communities within the State;

(b) a description of how linkages will be developed to fill identified gaps in services, through the provision of information, referrals, case management, and follow-up consultations;

- (c) a description of how funds made available through grants made under Section 675(a) will be coordinated with other public and private resources; and,
 - (d) a description of how local entities will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of the community services block grant, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting.
- (4) To ensure that eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals.
- (5) That the State and the eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services, and State and the eligible entities will coordinate the provision of employment and training activities in the State and in communities with entities providing activities through state wide and local workforce investment systems under the Workforce Investment Act of 1998;
- (6) To ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such communities.
- (7) To permit and cooperate with Federal investigations undertaken in accordance with section 678D of the Act.
- (8) That any eligible entity in the State that received funding in the previous fiscal year through a community services block grant under the community services block grant program will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in Section 678C(b) of the Act.
- (9) That the State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups, and community organizations.
- (10) To require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.

(11) To secure from each eligible entity in the State, as a condition to receipt of funding, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community- needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

(12) That the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development pursuant to Section 678E(b) of the Act.

(13) To provide information describing how the State will carry out these assurances.

Administrative and Financial Assurances

The State further agrees to the following, as required under the Community Services Block Grant Act:

(1) To submit an application to the Secretary containing information and provisions that describe the programs for which assistance is sought under the community services block grant program prepared in accordance with and containing the information described in Section 676 of the Act.

(2) To use not less than 90 percent of the funds made available to the State by the Secretary under Section 675A or 675B of the Act to make grants to eligible entities for the stated purposes of the community services block grant program and to make such funds available to eligible entities for obligation during the fiscal year and the succeeding fiscal year, subject to the provisions regarding recapture and redistribution of unobligated funds outlined below.

(3) In the event that the State elects to recapture and redistribute funds to an eligible entity through a grant made under Section 675C(a)(1) when unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year, the State agrees to redistribute recaptured funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of the community services block grant program.

(4) To spend no more than the greater of \$55,000 or 5 percent of its grant received under Section 675A or the State allotment received under section 675B for administrative expenses, including monitoring activities.

(5) In states with a charity tax credit in effect under state law, the State agrees to comply with the requirements and limitations specified in Section 675(c) regarding use of funds for statewide activities to provide charity tax credits to qualified charities whose predominant activity is the provision of direct services within the United States to individuals and families

whose annual incomes generally do not exceed 185 percent of the poverty line in order to prevent or alleviate poverty among such individuals and families.

(6) That the lead agency will hold at least one hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the grant or allotment under Section 675A or 675B for the period covered by the State plan.

(7) That the chief executive officer of the State will designate, an appropriate State agency for purposes of carrying out State community services block grant program activities.

(8) To hold at least one legislative hearing every three years in conjunction with the development of the State plan.

(9) To make available for the public inspection each plan or revised State plan in such a manner as will facilitate review of and comment on the plan.

(10) To conduct the following reviews of eligible entities:

(a) full onsite review of each such entity at least once during each three-year period;

(b) an onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program;

(c) follow-up reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State;

(d) other reviews as appropriate, including reviews of entities with programs that have had other Federal, State or local grants (other than assistance provided under the community services block grant program) terminated for cause.

(11) In the event that the State determines that an eligible entity fails to comply with the terms of an agreement or the State plan, to provide services under the community services block grant program or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State will comply with the requirements outlined in Section 678C of the Act, to:

(a) inform the entity of the deficiency to be corrected;

(b) require the entity to correct the deficiency;

(c) offer training and technical assistance as appropriate to help correct the deficiency, and submit to the Secretary a report describing the training and technical assistance offered or stating the reasons for determining that training and technical assistance are not appropriate;

(d) at the discretion of the State, offer the eligible entity an opportunity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan and to either approve the proposed plan or specify reasons why the proposed plan cannot be approved;

(e) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding to the eligible entity unless the entity corrects the deficiency.

(12) To establish fiscal controls, procedures, audits and inspections, as required under Sections 678D(a)(1) and 678D(a)(2) of the Act.

(13) To repay to the United States amounts found not to have been expended in accordance with the Act, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under the community services block grant program.

(14) To participate, by October 1, 2001, and ensure that all-eligible entities in the State participate in the Results-Oriented Management and Accountability (ROMA) System.

(15) To prepare and submit to the Secretary an annual report on the measured performance of the State and its eligible entities, as described under '678E(a)(2) of the Act.

(16) To comply with the prohibition against use of community services block grant funds for the for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility, as described in Section 678F(a) of the Act.

(17) To ensure that programs assisted by community services block grant funds shall not be carried out in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance with any such election, or any voter registration activity.

(18) To ensure that no person shall, on the basis of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community services block grant program funds. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

(19) To consider religious organizations on the same basis as other non-governmental organizations to provide assistance under the program so long as the program is implemented

in a manner consistent with the Establishment Clause of the first amendment to the Constitution; not to discriminate against an organization that provides assistance under, or applies to provide assistance under the community services block grant program on the basis that the organization has a religious character; and not to require a religious organization to alter its form of internal government except as provided under Section 678B or to remove religious art, icons, scripture or other symbols in order to provide assistance under the community services block grant program.

Other Administrative Certifications

The State also certifies the following:

- (1) To provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circular A-110 and A-122) shall apply to a recipient of community services block grant program funds.
- (2) To comply with the requirements of Public Law 103-227, Part C Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994, which requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18 if the services are funded by a Federal grant, contract, loan or loan guarantee. The State further agrees that it will require the language of this certification be included in any subawards, which contain provisions for children's services and that all subgrantees shall certify accordingly.

By signing and submitting these assurances and certifications, the State of Wyoming assures and certifies that it will comply with the requirements of the Act. Further, all State contractors, or sub-grantees are required to provide certifications to the State that they will comply with the six (6) federal certifications as part of their application to the State.

The thirteen (13) programmatic assurances and the nineteen (19) administrative assurances will also be a formal requirement for CSBG local-level or sub-grantee applications to the State (as applicable).

The enclosed FFY 2015-16 CSBG State Plan clarifies the specific goals and objectives of the program, provides information on the types of activities and services that will be provided, the geographical areas to be served, the characteristics of the people to be served, the criteria and method established for the distribution of funds, a description of the public and legislative review and comment process, and other appropriate information.

The annual reports for the State's CSBG program ending September 2014 and September 2015 will be submitted to you under separate cover.

The State of Wyoming's contact person for the CSBG Program is:

Tricia Dean, Manager
Community Services Program, Public Health Division
Wyoming Department of Health
6101 Yellowstone Road, Suite 420
Cheyenne, WY 82002
Telephone: (307) 777-8940
Fax: (307) 777-3520
E-mail: tricia.dean@wyo.gov

Sincerely,



Thomas O. Forslund, Director
Wyoming Department of Health

TOF/TD/ad

- c: Wendy E. Braund, MD, MPH, MEd, FACPM, State Health Officer-Senior Administrator, Public Health Division
Tricia Dean, Manager, Community Services Program, Public Health Division
Laura J. Hurst, MHA, FACHE, Unit Manager, Rural and Frontier Health, Public Health Division
Angela Van Houten, MS, Section Chief, Health Readiness and Response Section, Public Health Division

APPENDIX C

Legislative Hearing Documentation

Joint Labor, Health & Social Services Interim Committee Community Services Program Presentation Notes December 13, 2012

Funded through the U. S. Department of Health and Human Services (HHS)

- 100% federal funding - no local match required
- Administered at the state level by the WY Department of Health, Public Health Division
- Fiscal period of October 1 through September 30
- Approximately \$3.5 million annually
- Requirement that 90% of funds go directly into Wyoming communities
- FFY 2013 highest award = \$534,841; lowest award = \$13,049

State distribution of funds defined through poverty formula

- 5% used for state level administration
- 5% available for training and technical assistance
- 10% of remainder is set aside to redistribute on a competitive basis
- 10% to the Wind River Reservation for Native American anti-poverty programs
- Remainder distributed to counties according to poverty rating, based on:
 - Low-income population,
 - People unemployed,
 - People on food stamps,
 - People on Medicaid,
 - People on Power/TANF,
 - People applying to DFS for assistance, and
 - People on Social Security.

Local funding distributions made by Tripartite Boards (including Community Action Agencies)

- 1/3 represent electorate, 1/3 represent low income community, 1/3 community leaders
- All 23 counties and Wind River Reservation served
- 17 tripartite boards of which 5 are Community Action Agencies
- 1 tribal government
- 6 county programs served by the Northwest Community Action Programs of Wyoming, Inc. (NOWCAP) board - Goshen, Hot Springs, Lincoln, Niobrara, Sublette, & Weston

Purpose of the funding is to:

- Reduce or eliminate poverty;
- Revitalize low-income communities; and
- Empower low-income individuals and families to become economically self-sufficient.

Types of assistance available to low-income people through CSBG funding include:

- Food pantries, Salvation Army food baskets, soup kitchens;
- Public Health immunization, free clinic services, women's health services;
- Emergency shelters, rent/utility assistance to prevent homelessness, weatherization; and

- Domestic violence centers, senior centers, Boys & Girls clubs.

FFY 2011 (October 1, 2010 through September 30, 2011) CSBG Highlights:

- 56,565 low-income individuals in 24,364 families received services.
- 13,823 children received services
- 3,604 people with disabilities received services
- 10,900 seniors received services
- 17,674 people who lacked health insurance received assistance

Examples of CSBG Program successes:

- ❖ A girl who had been abused by her family since the age of 10 ran away from home and became homeless. At age 18, she joined the Campbell County Housing and Independent Living program. Today, she lives in an apartment, works full-time with handicapped children, and is attending college with a major in social work.
- ❖ The Sweetwater County Family Advocacy program assisted the father of five to complete job training and gain meaningful employment with his new job skills. As a result, the family is no longer income dependent and has become self-sufficient.
- ❖ The Sheridan County Advocacy & Resource Center provided services to a young lady who was in a violent home situation by paying rent, acquiring food and clothing, and locating child care services. She now lives a life of freedom away from her abuser and in a safe place for her son.

FFY 2013 Contract Delay due to:

- Changes in the contract process at the Attorney General's Office, the Department of Health, and the Public Health Division.
- AG did not allow contracts to be made with tripartite boards – must be legal entity which led to County language requirement in some contracts. This has not been required in the past.
- Enterprise Technology Services had to review the Contracts because cmReporter and cmTools (databases created specifically for Wyoming CSBG) are mentioned as reporting systems. This was the 1st time the ETS review was required.
- Fiscal Process was also different than in years past. Money had to be moved.
- At close of business on December 11, 2012 – 3 contracts are fully executed, 8 contracts are at the Director's Office for signature, and 7 Contractors have not yet returned their contracts. Payments will be processed individually as contracts are complete.

Community Services Program Contact:

Tricia Dean, Program Manager
 Phone (307) 777-8940
 E-mail: tricia.dean@wyo.gov

APPENDIX D

Public Notice

Wyoming Department of Health Community Services Program

Please take notice that the Wyoming Department of Health, Public Health Division, Community Services Program is providing public notice regarding the Draft FFY 2015 Community Services Block Grant Application and State Management Plan.

The Community Services Block Grant (CSBG) provides funds to assist low-income individuals and/or families in communities across Wyoming. CSBG funding supports projects that provide services and activities addressing education, emergency services, employment, health, housing, income management, and/or nutrition. The draft FFY 2015 (October 1, 2014 – September 30, 2015) CSBG Application and State Management Plan contains program information, application, certifications, eligibility requirements, and forms for the current year. Applications must be submitted through local community Tripartite Boards, Community Action Agencies, or a Tribal Agency. A list of eligible entities can be found in this document and contact information is available by request.

The Draft FFY 15 CSBG Application and State Management Plan is available for public inspection at: <http://health.wyo.gov/rfhd/CSP/CSBG.html>. The Wyoming Department of Health welcomes and will take into consideration all comments and suggestions. Please submit comments and suggestions no later than August 2nd, 2014 by email to tricia.dean@wyo.gov or by mail to Community Services Program, 6101 Yellowstone Rd., Ste. 420, Cheyenne, WY 82002. If you have any questions, please contact either Tricia Dean at (307) 777-8940 or Laura Hurst at (307) 777-2899.

A public hearing will be held if requested by at least 25 persons, by a governmental subdivision, or by an association having not less than 25 members.

To request a copy of the final FFY 15 CSBG Application and State Management Plan, please do so in writing to: Community Services Program, 6101 Yellowstone Rd., Ste. 420, Cheyenne, WY 82002; or to tricia.dean@wyo.gov. An electronic version is also available.

Dated this 5th day of July, 2014.

Thomas O. Forslund, Director
Wyoming Department of Health

Community Services Block Grant (CSBG) Program

- Purpose:** To provide financial assistance to communities, through local eligible entities, toward achieving health equity, eliminating health disparities, and improving the health of low-income people by addressing the social determinants of health.
- Method:** Development and maintenance of tripartite boards consisting of local elected officials, low-income representatives, and community leaders to determine needs and distribute federal funding within Wyoming communities.
- Funding:** Federal funds authorized through the U. S. Department of Health and Human Services in the amount of approximately \$3.5 million annually.
- Local Match:** No state or local match is required for this program and no unfunded mandates apply.
- Eligibility:** Federal funding to local communities must flow through tripartite boards which currently exist in all of the state's 23 counties and the Wind River Reservation. County funding limits are based on each county's ranking through seven poverty factors to assure that funding goes to the areas with the greatest need.
- Distribution:** Determined by local tripartite boards within criteria established by federal and state regulations to address community needs in areas of minimizing the effects of poverty.
- Oversight:** Provided by the Wyoming Department of Health, Public Health Division, Community Services Programs through development and distribution of an annual CSBG State Plan, on-site monitors of local programs every three years, monthly progress reports, and annual reports, as well as day-to-day phone & e-mail communications.
- Successes:** For the most recent reporting fiscal period (October 1, 2010 through September 30, 2011), CSBG funds assisted 33,149 low income people through 170 non-profit service providers across the state. Federal funding levels have remained relatively constant, having decreased by approximately 3% over a 5 year period. Because the program is a block grant (rather than a categorical grant) there is much greater flexibility in the way the state uses the dollars and greater opportunity to meet locally identified needs within Wyoming communities. State level administration utilizes only 5% of the total grant, with a federal requirement that at least 90% of the federal funds go directly into community programs.

APPENDIX E

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity by signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Tricia Dean
Tricia Dean
Manager, Community Services Program
Wyoming Department of Health, Public Health Division

Aug. 29, 2014
Date

(COPY OF ACT ATTACHED AFTER CERTIFICATION SIGNATURE PAGE)
PART C--ENVIRONMENTAL TOBACCO SMOKE

SEC. 1041. SHORT TITLE.

This part may be cited as the 'Pro-Children Act of 1994'.

SEC. 1042. DEFINITIONS.

As used in this part:

- (1) **CHILDREN**- The term 'children' means individuals who have not attained the age of 18.
- (2) **CHILDREN'S SERVICES**- The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services.
 - (A) that are funded, after the date of the enactment of this Act, directly by the Federal Government or through state or local governments, by federal grant, loan, loan guarantee, or contract programs:
 - (i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

- (ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or
- (B) that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds, as determined by the appropriate Secretary in any enforcement action under this title, except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.
- (3) **PERSON**- The term 'person' means any state or local subdivision thereof, agency of such state or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.
- (4) **INDOOR FACILITY**- The term 'indoor facility' means a building that is enclosed.
- (5) **SECRETARY**- The term 'Secretary' means the Secretary of Health and Human Services.

SEC. 1043. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

- (1) **PROHIBITION**- After the date of the enactment of this Act, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.
- (2) **ADDITIONAL PROHIBITION**- After the date of the enactment of this Act, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to.
 - (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
 - (B) any private residence.
- (C) **FEDERAL AGENCIES**-
 - (i) **KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES**- After the date of the enactment of this Act, no federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.
 - (ii) **HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES**- After the date of the enactment of this Act, no federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to B

- (a) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
 - (b) any private residence.
- (iii) **APPLICATION OF PROVISIONS-** The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).
- (D) **NOTICE-** The prohibitions in subsections (a) through (c) shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of this Act, whichever occurs first.
- (E) **SPECIAL WAIVER-**
 - (i) **IN GENERAL-** On receipt of an application, the head of the federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement thatB
 - (a) took effect before the date of enactment of this Act; and
 - (b) includes provisions relating to smoking privileges that are in violation of the requirements of this section.
 - (ii) **TERMINATION OF WAIVER-** A special waiver granted under this subsection shall terminate on the earlier of:
 - (a) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
 - (b) the date that is 1 year after the date of the enactment of this Act.
- (F) **CIVIL PENALTIES-**
 - (i) **IN GENERAL-** Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c), the term 'person' shall mean the head of the applicable federal agency or the contractor of such agency providing the services to children.

- (ii) **ADMINISTRATIVE PROCEEDING-** A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.
- (iii) **CIRCUMSTANCES AFFECTING PENALTY OR ORDER-** In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate^B
- (a) the nature, circumstances, extent, and gravity of the violation;
 - (b) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and
 - (c) such other matters as justice may require.
- (iv) **MODIFICATION-** The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.
- (v) **PETITION FOR REVIEW-** Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.
- (vi) **FAILURE TO COMPLY-** If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then

currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

SEC. 1044. PREEMPTION.

Nothing in this part is intended to preempt any provision of law of a state or political subdivision of a state that is more restrictive than a provision of this part.

APPENDIX F

Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for federal inspection. Failure to identify all known workplace constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or state highway department while in operation, state employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes;

Criminal drug statute means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
 - (1) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

State of Wyoming

☐ Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

Tricia Dean
Tricia Dean
Manager, Community Services Program
Wyoming Department of Health, Public Health Division

Aug. 29, 2014
Date

APPENDIX G

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, of an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by 1352, title 31 U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

Tricia Dean
Tricia Dean
Manager, Community Services Program
Wyoming Department of Health, Public Health Division

Aug. 29, 2014
Date

APPENDIX H

Certification Regarding Debarment and Suspension

Certifications Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

Instructions for Certifications

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when HHS determined that the prospective primary participant knowingly rendered an erroneous certification. In addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the HHS agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549: 45 CFR Part 76.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions", provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is debarred, suspended, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) have not, within a 3-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not, within a 3-year period preceding this application/proposal, had one or more public transactions (federal, state or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Grant No. FFY 2015 Community Services Block Grant

Tricia Dean
Tricia Dean
Manager, Community Services Program
Wyoming Department of Health, Public Health Division

Aug. 29, 2014
Date

APPENDIX I

Certification Regarding Non-Discrimination

Pursuant to P.L. 97-35, Section 677(a), as amended, I certify that no person shall, on the ground of race, color, national origin, sex, age, handicap or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 50 of The Rehabilitation Act of 1973 shall also apply to any such program activity.

Tricia Dean

Tricia Dean

Manager, Community Services Program

Wyoming Department of Health, Public Health Division

Aug. 29, 2014

Date

APPENDIX J

Certification Regarding OMB Cost and Accounting Standards

Pursuant to the Community Services Block Grant Act (P.L. 97-35, as amended), the Community Services Program agrees to provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circular A-110 and A-122) will apply to all CSBG funds utilized by this organization.

Tricia Dean

Tricia Dean

Manager, Community Services Program

Wyoming Department of Health, Public Health Division

Aug. 29. 2014

Date

APPENDIX K

Certification Regarding Child Support Services and Referrals

Pursuant to the Community Services Block Grant Act (P.L. 97-35, as amended), the Community Services Program agrees to provide an assurance that requires eligible entities and subcontractors to:

1. inform custodial parents in single-parent families that participate in programs, activities, or services carried out under the CSBG program about the availability of child support services; and
2. refer eligible parents to the child support offices of the state and local governments.

Tricia Dean
Tricia Dean
Manager, Community Services Program
Wyoming Department of Health, Public Health Division

Aug. 29. 2014
Date

Child Support Locations on following page.

Local Child Support Offices by County

Albany 1771 Centennial Drive, Unit 210 Laramie, 82070 (307) 742-2026 or 800-742-3096	Big Horn 415 W. "C" Street PO Box 327 Basin, 82410 (307) 568-9329 or 800-871-9165	Campbell 501 Running W. Drive Gillette, WY 82718 (307) 687-1501 or 800-360-5220
Carbon 1771 Centennial Drive, Unit 210 Laramie, 82070 (307) 742-2026 or 800-742-3096	Converse 1954 Richards, Madora Plaza Ste. 3 PO Box 169 Douglas, 82633 (307) 358-0947 or 866-280-3719	Crook Mailing Address: 501 Running W. Drive Gillette, 82718 (307) 283-1515
Eastern Shoshone PO Box 1573 Fort Washakie, 82514 (307) 335-8371	Fremont 895 Main Street PO Box 549 Lander, 82520 (307) 332-6380 or 800-996-6045	Goshen 1954 Richards, Madora Plaza Ste. 3 PO Box 169 Douglas, 82633 (307) 358-0947 or 866-280-3719
Hot Springs 1002 Sheridan Avenue Cody, 82414 (307) 527-8840 or 800-565-3224	Johnson 224 S. Main, 1 st Floor Sheridan, 82801 (307) 672-2599 or 800-565-4502	Laramie 2015 Carey Avenue Cheyenne, 82001 (307) 635-3365 or 800-742-3092
Lincoln 140 Commerce Drive, Suite F Green River, 82935 (307) 875-4725 or 800-742-3098	Natrona 5 th Floor, Hall of Justice 201 N. David PO Box 2539 Casper, 82601 (307) 235-9229 or 800-292-3219	Niobrara 1954 Richards, Madora Plaza Ste. 3 PO Box 169 Douglas, 82633 (307) 358-0947 or 866-280-3719
Northern Arapaho 325 Lefthand Ditch Road, Unit 9179 Arapahoe, 82510 (307) 857-2436	Park 1002 Sheridan Avenue Cody, 82414 (307) 527-8840 or 800-565-3224	Platte 1954 Richards, Madora Plaza Ste. 3 PO Box 169 Douglas, 82633 (307) 358-0947 or 866-280-3719
Sheridan 224 S. Main, 1 st Floor Sheridan, 82801 (307) 672-2599 or 800-565-4502	Sublette 895 Main Street PO Box 549 Lander, 82520 (307) 332-6380 or 800-996-6045	Sweetwater 140 Commerce Drive, Suite F Green River, 82935 (307) 875-4725 or 800-742-3098
Teton 895 Main Street PO Box 549 Lander, 82520 (307) 332-6380 or 800-996-6045	Uinta 140 Commerce Drive, Suite F Green River, 82935 (307) 875-4725 or 800-742-3098	Washakie 119 South 9 th St. PO Box 227 Worland, 82401 (307) 347-8927 or (800) 432-1675
Weston 723 B Washington Newcastle, 82701 (307) 746-2311		

APPENDIX L

Appeal Processes

CLIENT OR APPLICANT APPEAL PROCESS

Any substantive decision or action by a state recipient or non-profit recipient (local government or private non-profit organization) which an applicant for program services, or a program client, believes to be unfair or unreasonable, and having a major adverse impact upon the applicant/client, may be appealed by the applicant/client to the State.

It is expected that the applicant/client will first of all utilize the local program's appeal process. If, after that process is completed and the applicant/client still believes that they want to pursue the appeal, the applicant/client may utilize the following State appeal process. Such process is as follows:

- (1) With fifteen (15) days of the local program's decision, which is believed by the applicant/client to be unfair or unreasonable, the applicant/client believing himself or herself to be aggrieved, must submit a letter to the Community Services Program, Department of Health, setting forth:
 - (a) the decision or action that is in issue;
 - (b) the date on which the applicant/client received notice of the decision or action by the local program (recipient);
 - (c) the rationale for considering the decision or action to be substantiative and unfair or unreasonable to the applicant/client; and
 - (d) the request for such a State hearing, including the applicant/client's desired outcome of such a hearing.
- (2) Within ten (10) working days of the receipt of the request for a hearing, the Community Services Program Manager shall determine whether the complaint sets forth the facts that constitute a substantiative action by the Division which has a major adverse impact on the applicant/client.
 - (a) If the determination is that the complaint does not meet the preceding criteria, the Community Services Program Manager shall notify the appellant (applicant/client) within ten (10) working days of the request for hearing.
 - (b) If the determination is that the complaint does meet the appeal or hearing criteria, then the Community Services Program Manager will identify the hearing officer, schedule the hearing date no later than thirty (30) days hence, and so notify the appellant (applicant/client).
- (3) Prior to the scheduled hearing, the Community Services Program Manager will contact the appellant (applicant/client).
 - (a) to obtain additional information pertinent to the issue;
 - (b) to clarify any misunderstanding;
 - (c) to explore possible alternatives which would eliminate the necessity for a hearing; and
 - (d) to obtain a written withdrawal of the request for a hearing if the issues have been resolved.

- (4) The hearing will be conducted by the Community Services Program Manager. The appellant (applicant/client) will have the right to be represented by counsel at the hearing, but must notify the Community Services Program Manager at least ten (10) working days prior to the hearing that counsel will be present.
- (5) The hearing officer will review all information and evidence presented at the hearing, as well as information gathered from the program (recipient), and will recommend a decision to the Community Services Program Manager, who will issue a written decision of the appeal within thirty (30) days of the hearing.
- (6) The decision resulting from the State hearing will be a final appellant (applicant/client) action.

The hearing will be held in Cheyenne, or at a location more convenient to the appellant (applicant/client), whenever financial and time constraints allow, at the discretion of the Community Services Program Manager.

GRANTEE/SUBGRANTEE APPEAL PROCESS

Any substantive decision or action by a state recipient or non-profit recipient believed to be unfair or unreasonable, and having a major adverse impact on its local program may be appealed by the state recipient or non-profit recipient. The appeal is as follows:

- (1) Within fifteen (15) days of the State's decision, which is believed to be unfair or unreasonable, the recipient believing himself to be aggrieved must submit a letter approved by their governing board and signed by the board chairperson (in the case of non-profit recipients), and in the case of local governments, a letter signed by its local elected officials, i.e.--county commissioners, to the Community Services Program, Department of Health, setting forth:
 - (a) the decision or action that is in issue;
 - (b) the date on which the recipient received notice of the decision or action;
 - (c) the rationale of the board for considering the decision or action to be substantiative and unfair or unreasonable to the recipient; and
 - (d) the request for such a hearing, including the desired outcome of such a hearing.
- (2) Within ten (10) working days of the receipt of the request for hearing, the Community Services Program Manager shall determine whether the complaint sets forth the facts that constitute a substantiative action by the Division which has a major adverse impact on the recipient's program.
 - (a) If the determination is that the complaint does not meet the preceding criteria, then the Community Services Program Manager shall notify the appellant agency within ten (10) working days of a denial of request for a hearing.
 - (b) If the determination is that the complaint does meet the appeal or hearing criteria, the Community Services Program Manager will identify the hearing officer, schedule the hearing date no later than thirty (30) days hence, and so notify the appellant agency.
- (3) Prior to the scheduled hearing, the Community Service Programs Manager will contact the Board chairpersons of the appellant agency:
 - (a) to obtain additional information pertinent to the issue;

- (b) to clarify any misunderstanding;
 - (c) to explore possible alternatives which would eliminate the necessity for a hearing; and
 - (d) to obtain a written withdrawal of the request for a hearing.
- (4) The hearing will be conducted by the Community Services Program Manager. The appellant will have the right to be represented by counsel at the hearing, but must notify the Community Services Program Manager at least ten (10) working days prior to the hearing that counsel will be present.
 - (5) The hearing officer will review all information and evidence presented at the hearing and will recommend a decision to the Community Services Program Manager, who will issue a written decision of the appeal within thirty (30) days of the hearing.
 - (6) The decision resulting from the State hearing will be a final recipient action.

The hearing will be held in Cheyenne, or at a location more convenient to the appellant agency, whenever financial and time constraints allow, at the discretion of the Community Services Program Manager.

